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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)	
)	No. T15-0159
COUNTY OF Du PAGE,)	
)	
Petitioner,)	
)	
CHICAGO, CENTRAL & PACIFIC)	
RAILROAD; ILLINOIS, DEPARTMENT)	
of DEPARTMENT OF TRANSPORTATION;)	
VILLAGE OF BLOOMINGDALE;)	
VILLAGE OF CAROL STREAM; and)	
BLOOMINGDALE TOWNSHIP,)	
)	
Respondents,)	
)	
Petition for the construction of)	
a multi-use path along County)	
Highway 23/Gary Avenue at the)	
Chicago, Central; Pacific Railroad)	
designated AAR/Dot No. 289.890N,)	
Railroad Milepost 29.55 and)	
construction and/or reconfiguration)	
of two (2) sidewalks and)	
crossings along Army Trail Road at)	
the Chicago, Central & Pacific)	
Railroad designated as AAR/DOT)	
No. 289891V, Railroad Milepost)	
29.70)	

Chicago, Illinois

October 11, 2016

Met, pursuant to adjournment, at

1:30 o'clock p.m.

1 BEFORE:

2 MS. LATRICE KIRKLAND-MONTAQUE,
3 Administrative Law Judge

3

APPEARANCES:

4

MR. MIKE SHUMATE
17641 South Ashland
Homewood, Illinois 60430
appearing for Chicago Central and Pacific.

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MS. BARBARA REYNOLDS (via telephone)
503 North county Farm Road
Wheaton, Illinois 60187
appearing for DuPage County

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MR. LAWRENCE PARRISH
100 West Randolph Street
Chicago, Illinois
appearing for IDOT

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MR. BRIAN VERCRUYSSSE
527 East Capitol Avenue
Springfield, Illinois
appearing for staff of the
Illinois Commerce Commission

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SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
LICENSE NO. 084-002170

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1 JUDGE KIRKLAND-MONTAQUE: By the power vested in
2 me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. T15-0159
4 for hearing. This is in the matter of the County of
5 Du Page, Petitioner, versus the Chicago Central and
6 Pacific Railroad, Illinois Department of
7 Transportation, the Village of Bloomington, the
8 Village of Carol Stream and the Bloomingdale
9 Township. I misspoke. I said Village of
10 Bloomington. It is the Village of Bloomingdale.

11 So with that, let's have appearances.
12 Why don't we start on this end.

13 MR. SHUMATE: Good afternoon, your Honor. Mike
14 Shumate for the Chicago Central and Pacific.

15 MS. REYNOLDS: Barbara Reynolds for DuPage
16 County.

17 MR. VERCRUYSSSE: Thank you, your Honor. Brian
18 Vercruysse for appearing for staff of the Illinois
19 Commerce Commission.

20 MR. PARRISH: Lawrence Parrish on behalf of the
21 Illinois Department of Transportation.

22 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

1 We last met back in -- was it
2 February?

3 MS. REYNOLDS: Yes.

4 JUDGE KIRKLAND-MONTAQUE: And there were going to
5 be updates to estimates and perhaps plans. So why
6 don't I give the floor to the county to let me know
7 where things stand.

8 MS. REYNOLDS: As of February, we needed CN to go
9 back and update the numbers, which they did. They
10 submitted them to us. We agreed to the numbers, and
11 I filed that as J and K. We are in agreement on the
12 amount of money, and also DuPage County needed to
13 update the drawings, and that's been updated as
14 Exhibit L, and it shows the six pedestrian gates on
15 it.

16 JUDGE KIRKLAND-MONTAQUE:: Okay. And so all
17 parties have reviewed those updates, and so where do
18 things stand in terms of your scheduled construction
19 or has it started already?

20 MS. REYNOLDS: It has not. We are looking at
21 2017.

22 MR. VERCRUYSSSE: Can I ask the letting that you

1 are trying to target, do you have that information?

2 MS. REYNOLDS: I can submit that. I think the
3 last time it was up for a spring letting.

4 MR. VERCRUYSSSE: Your Honor, the parties are
5 going to draft hopefully an agreed order, so I'm
6 sorry. That's the only reason I was asking the
7 question.

8 MS. REYNOLDS: I can get that answer to you.

9 JUDGE KIRKLAND-MONTAQUE: So basically you have
10 all the information you need to move forward to an
11 agreed order, and I think that's where all the
12 parties agree, with the exception there's a couple
13 of parties named here in the caption who are not
14 present, right? Is that correct?

15 MS. REYNOLDS: Correct.

16 JUDGE KIRKLAND-MONTAQUE: And so I would send out
17 a proposed order for that reason --

18 MS. REYNOLDS: Okay.

19 JUDGE KIRKLAND-MONTAQUE: -- because they're not
20 present to give them the opportunity to respond.

21 So I guess, Mr. Vercruysse, is
22 everything in place for an agreed order at this

1 point?

2 MR. VERCRUYSSSE: With the estimates and the
3 exceptions of the estimate, the updated plan set,
4 yes. The only thing that we'll work with the
5 parties is the time frame for completion if it's to
6 start sometime in the spring of 2017 or summer.

7 I just want to make sure that the
8 Chicago Central and Pacific signal crews are able to
9 get the work done within that time frame. That
10 would be the only outstanding item that we can take
11 care of during development of the draft order.

12 JUDGE KIRKLAND-MONTAQUE: Okay. And you filed
13 your exhibits after the last hearing?

14 MS. REYNOLDS: Yes, I did.

15 JUDGE KIRKLAND-MONTAQUE: Okay. So why don't
16 you -- just so the record is technically complete --
17 move to admit those exhibits.

18 MS. REYNOLDS: Okay. May I admit Exhibits J, K
19 and L?

20 JUDGE KIRKLAND-MONTAQUE: Any objection?

21 MR. VERCRUYSSSE: No objection.

22 MR. SHUMATE: No objection.

1 MR. VERCRUYSSSE: No objection.

2 JUDGE KIRKLAND-MONTAQUE: Petitioner's Exhibits
3 J, K, and L are admitted as evidence.

4 (Whereupon, Petitioner's
5 Exhibits J, K & L are
6 received in evidence.)

7 And if that's all, which I believe is
8 what you are saying, I'll mark the record heard and
9 taken, and then I'll wait to get the draft order,
10 and then I'll send it out as a proposed order, and
11 then a couple of weeks after that on to the
12 Commission's bench agenda.

13 HEARD AND TAKEN.

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